

MESSAGE NO: 1293308 MESSAGE DATE: 10/20/2011

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1138307, 1144301, 1259309
MESSAGE #
(s):

CASE #(s): A-570-909

EFFECTIVE DATE: 10/05/2011 COURT CASE #: 10-177

PERIOD OF REVIEW: 01/23/2008 TO 07/31/2009

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR PLASTIC CAP STEEL NAILS FROM THE PRC IMPORTED BY ITOCHU BUILDING PRODUCTS FOR THE PERIOD 1/23/2008 THROUGH 7/31/2009 (A-570-909)

NOTE: MESSAGE 1278305 (LIQUIDATION INSTRUCTIONS FOR PLASTIC CAP STEEL NAILS FROM THE PRC IMPORTED BY ITOCHU BUILDING PRODUCTS FOR THE PERIOD 1/23/2008 THROUGH 7/31/2009 (A-570-909)) DATED 10/05/2011 HAS BEEN INACTIVATED BECAUSE IT WAS INCORRECTLY POSTED AS A "NON-PUBLIC" MESSAGE. COMMERCE IS REISSUING THESE LIQUIDATION INSTRUCTIONS AS A "PUBLIC" MESSAGE.

1. ON 05/02/2011, THE U.S. COURT OF INTERNATIONAL TRADE (CIT) DISMISSED THE CASE OF ITOCHU BUILDING PRODUCTS V. UNITED STATES COURT NO.10-177. AS A RESULT OF THIS DECISION, THE INJUNCTION TO WHICH MESSAGE 1259309 REFER ENJOINING LIQUIDATION OF ENTRIES WHICH ARE SUBJECT TO THE ANTIDUMPING DUTY ORDER ON CERTAIN STEEL NAILS FROM THE PRC, FOR THE PERIOD 1/23/2008 THROUGH 7/31/2009 DISSOLVED ON 05/02/2011.

2. FOR ALL SHIPMENTS OF PLASTIC CAP STEEL NAILS FROM THE PRC, IMPORTED BY ITOCHU BUILDING PRODUCTS WHICH WERE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION FROM 01/23/2008 THROUGH 07/31/2009, ASSESS ANTIDUMPING LIABILITY AT THE RATE IN EFFECT ON THE DATE OF ENTRY.

3. THE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE FROM 01/23/2008 THROUGH 07/31/2009 IS 10/05/2011 (THE DATE OF POSTING OF MESSAGE 1278305). ACCORDINGLY, NOTICE OF LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE LISTED IN THESE INSTRUCTIONS. FOR ALL OTHER SHIPMENTS OF STEEL NAILS FROM THE PRC YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE INJUNCTIONS WITH COURT NUMBERS 11-00102, 11-00119, AND 11-00208 IN MESSAGE NUMBERS 1138307, 1144301, AND 1251304 DATED 05/18/2011, 05/24/2011, AND

09/08/2011, ARE APPLICABLE TO THE ENTRIES EXPORTED BY STANLEY (LANGFANG) FASTENING SYSTEMS AND AIRONWARE (SHANGHAI) CO., LTD.; CHIEH YUNG METAL IND. CORP.; CHINA STAPLE ENTERPRISE (TIANJIN) CO., LTD.; DEZHOU HUALUDE HARDWARE PRODUCTS CO., LTD.; FAITHFUL ENGINEERING PRODUCTS CO., LTD.; HENGSHUI MINGYAO HARDWARE & MESH PRODUCTS CO., LTD.; HUANGHUA JINHAI HARDWARE PRODUCTS CO., LTD.; HUANGHUA XIONGHUA HARDWARE PRODUCTS CO., LTD.; JISCO CORPORATION; KORAM PANAGENE CO., LTD.; NANJING YUECHANG HARDWARE CO., LTD.; QIDONG LIANG CHYUAN METAL INDUSTRY CO., LTD.; QINGDAO D&L GROUP LTD.; ROMP (TIANJIN) HARDWARE CO., LTD.; SHANDONG DINGLONG IMPORT & EXPORT CO., LTD.; SHANGHAI JADE SHUTTLE HARDWARE TOOLS CO., LTD.; SHOUGUANG MEIQING NAIL INDUSTRY CO.,LTD.; TIANJIN JINCHI METAL PRODUCTS CO., LTD.; TIANJIN JINGHAI COUNTY HONGLI INDUSTRY & BUSINESS CO., LTD.; TIANJIN ZHONGLIAN METALS WARE CO., LTD.; WINTIME IMPORT & EXPORT CORPORATION LIMITED OF ZHONGSHAN; ZHEJIANG GEM-CHUN HARDWARE ACCESSORY CO., LTD.; SHANGHAI CURVET HARDWARE PRODUCTS CO., LTD.; SHANDONG MINMETALS CO., LTD. OR WERE ENTERED INTO THE UNITED STATES AS BEING EXPORTED BY CERTIFIED PRODUCTS INTERNATIONAL INC., AND ENTERED UNDER THE COMBINATION NUMBERS A-570-909-052 THROUGH A-570-909-079 OR A-570-909-166, AND WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 01/23/2008 THROUGH 07/31/2009. ACCORDINGLY, UNTIL FURTHER NOTICE, CONTINUE TO SUSPEND LIQUIDATION OF THESE ENTRIES UNTIL LIQUIDATION INSTRUCTIONS ARE PROVIDED.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(F)(2) OF COMMERCE'S REGULATIONS. THE IMPORTER SHOULD PROVIDE THE

REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE MANUFACTURER, PRODUCER, SELLER, OR EXPORTER, TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:AP).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party